

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

DEVON HUNTER,

Plaintiff,

vs

9:03-CV-55

GEORGE DUNCAN, Superintendent, et al,

Defendants.

---

APPEARANCES:

DEVON HUNTER

Plaintiff, Pro Se

HON. ELIOT SPITZER

Attorney General of the

State of New York

Attorney for Defendants

Department of Law

The Capitol

Albany, New York 12224

OF COUNSEL:

KATE H. NEPVEU, ESQ.

Asst. Attorney General

DAVID N. HURD

United States District Judge

**DECISION and ORDER**

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated July 25, 2005, the Honorable Gustave J. DiBianco, United States Magistrate Judge, among other things, recommended that the defendants' motion for summary judgment be granted and the complaint be dismissed in its entirety as to all defendants. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Lowe, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. The defendants' motion for summary judgment is GRANTED;
2. The complaint is DISMISSED in its entirety as to all defendants.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.



United States District Judge

Dated: November 8, 2005  
Utica, New York.